

CALLAHAN & FUSCO, LLC
Mitchell Ayes, Esq.
Attorneys for Defendants
40 Exchange Place, 18th Floor
New York, New York 10005
(212) 448-9570

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

SERHIY PISKUN,

Plaintiff,

v.

JONATHAN G. LUTON, and FEDEX
FREIGHT, INC.,

Defendants.

Civil Action No.:

**NOTICE AND PETITION
OF REMOVAL**

TO: United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Defendants, JONATHAN G. LUTON, and FEDEX FREIGHT, INC., hereby removes this action from the Supreme Court of the State of New York, County of Richmond, to the United States District Court for the Eastern District of New York and respectfully allees:

1. A civil action has been instituted against Defendants in the above-entitled action in the Supreme Court of the State of New York, Richmond County, entitled SERHIY PISKUN v. JONATHAN G. LUTON, and FEDEX FREIGHT, INC., under Index No. 151632/2017.

2. Upon information and belief, a Summons and Complaint (**Exhibit "A"**) was served on Defendant, FEDEX FREIGHT, INC., by certified mail.

3. Upon information and belief, at the time of the filing of this Notice of Removal:

- (a) Plaintiff was and still is domiciled in the State of New York, County of Richmond (*see* Summons and Complaint annexed hereto as **Exhibit “A,”** at paragraph 1);
- (b) Defendant JONATHAN G. LUTON was and still is domiciled in the State of New Jersey (*see* Summons and Complaint annexed hereto as **Exhibit “A,”** at paragraph 2);
- (c) Defendant FEDEX FREIGHT, INC. was and still is a non-New York corporation, with its principal place of business at 2200 Forward Drive, Harrison, Arkansas 72601.

4. Plaintiff seeks damages “in a sum exceeding the jurisdictional limits of all lower courts which would otherwise have jurisdiction” for personal injuries allegedly sustained in a motor vehicle accident which occurred on January 23, 2017 at the intersection of Smith Street and Hamilton Avenue in Brooklyn, Kings County, New York. (*see* **Exhibit “A,”** *supra*).

5. This Notice of Removal has been served on Plaintiff’s counsel. A Notice of Filing of Notice of Removal to Federal Court, attached as **Exhibit “B,”** will be filed in the Supreme Court of the State of New York, County of Richmond, as soon as this Notice of Removal has been filed in this Court.

6. Defendants notice the removal of this action on the grounds that it is between the citizens and/or entities of three different states and allegedly involves a claim in excess of \$75,000.00, exclusive of interest and costs; and is thereby removable under 28 U.S.C. §1441, et seq.

7. This action involves a motor vehicle accident that occurred in Kings County, New York, a Plaintiff that resides in Richmond County, New York, a Defendant who resides in New


Jersey, and a corporate Defendant based in Arkansas. Removal to federal court is thus proper as a more appropriate forum under the present circumstances.

WHEREFORE, Defendants respectfully request that the action pending against them in the Supreme Court of the State of New York, County of Richmond, be removed therefrom and transferred to this Court.

Dated: New York, New York
September 12, 2017

Respectfully submitted,

CALLAHAN & FUSCO, LLC

By: 

Mitchell Ayes, Esq.
Attorneys for Defendants
40 Exchange Place, 18th Floor
New York, New York 10005
(212) 448-9570

TO:

Aleksandr Vakarev, Esq.
LAW OFFICES OF ALEKSANDR VAKAREV
Attorneys for Plaintiff
2566 86th Street, Suite 1
Brooklyn, New York 11214
(718) 368-0690